

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JAMES CROSBY.**

**Plaintiff,**

**VS.**

**Civil Action No. 04-0144-CG-M**

**JACK TILLMAN and**

**MARK BARLOW.**

**Defendants.**

## ORDER

The above-styled action came on for trial by jury on August 15, 16 & 17, 2007, before the Honorable Callie V. S. Granade, Chief United States District Judge. The jury was selected, but not sworn before the Judge Granade on July 31, 2007.

On August 15, 2007, an in-camera hearing was held outside the presence of the jury, at which the following rulings were made: 1) Ruling on defendant Barlow's motion for judgment on the pleadings (Doc. 186) was deferred pending jury's verdict.<sup>1</sup> 2) Defendants' motion to strike witnesses on plaintiff's amended witness list, who were not listed in the pretrial document (Doc. 185) was **GRANTED**. 3) Defendants' motion to strike exhibits on plaintiff's amended exhibit list, which were not listed in the pretrial document (Doc. 191) was **GRANTED**. The jury was then duly sworn, and trial commenced. The plaintiff presented his case-in-chief, and rested on August 16, 2007.

On August 16, 2007, at the close of the plaintiff's case, the defendant filed a written motion for judgment as a matter of law (Doc. 195). The court deferred ruling on the motion as to

<sup>1</sup>In light of the jury's verdict, defendant Barlow's motion for judgment on the pleadings (Doc. 186) is hereby deemed to be **MOOT**.

defendant Barlow pending the jury's verdict, and **DENIED** the motion as to defendant Jack Tillman for the reasons as set forth on the record. The defendants then presented their case, and rested. At the close of all the evidence, the defendants orally renewed their motion for judgment as a matter of law (Docs. 196). The court deferred its ruling as to defendant Barlow pending the jury's verdict,<sup>2</sup> and **DENIED** the motion as to defendant Tillman.

On August 17, 2007, the court held a charge conference with counsel, the respective parties presented their closing arguments to the jury, the court charged the jury on the applicable law, and the jury commenced their deliberations.

Now, on the 17<sup>th</sup> day of August, 2007, comes the jury who having heard the evidence, the arguments of counsel, the charge of the court and having considered the same upon their oaths, return their verdicts (copies of which are attached hereto) into open court with counsel present.

Plaintiff's post-trial motions shall be filed **on or before August 31, 2007**. Defendants' response shall be filed **on or before September 14, 2007**. Plaintiff's reply shall be filed **on or before September 21, 2007**.

By separate document, the court will enter judgment in accordance with the verdicts of the jury.

**DONE and ORDERED** this the 20<sup>th</sup> day of August, 2007.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE

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In light of the jury's verdict, defendant Barlow's written motion (Doc. 195) and renewed oral motion for judgment as a matter of law (Doc. 196) are hereby deemed to be **MOOT**.